

REMARKS

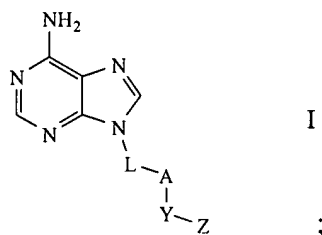
As an initial matter, Applicants wish to thank the Examiner for indicating that Claims 27, 32 and 42-46 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 24 has been amended such that the integer n is not zero. Claim 28 has been rewritten in independent form. Applicants believe no new matter is introduced.

Rejection under 35 U.S.C. §102(b)

Claims 24-26, 28-31 and 33 stand rejected under 35 U.S.C. §102(b) as being anticipated by each of Fauland *et al.* (U.S. Patent No. 4,224,438) (hereinafter "Fauland *et al.*"); Yamashita *et al.* (U.S. Patent No. 4,479,942, hereinafter "Yamashita *et al.*"); Olsson *et al.* (U.S. Patent No. 5,310,731, hereinafter "Olsson *et al.*"); and Prasad *et al.* (U.S. Patent No. 3,855,206, hereinafter "Prasad *et al.*"). Claim 24 also stands rejected under 35 U.S.C. §102(b) as anticipated by Baker *et al.* (*J. Pharm. Sci.* 1965, 54, 1609-16, hereinafter "Baker *et al.*"). Applicants respond in part by amendment and in part traverse the rejection.

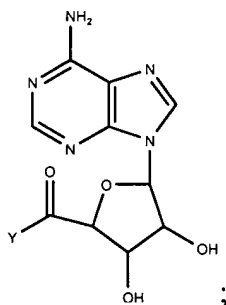
Applicants have amended claim 24 to set forth compounds of the formula (I):



wherein Z is a member selected from the group consisting of $-(CH_2)_n-C(=O)-NHOH$, $(CH_2)_nCOOH$, $-(CH_2)_nCOOMe$ and $-(CH_2)_nCOOEt$, and each n is at least one; and prodrugs of such compounds. Therefore the compounds of the present invention have a Z group which has at least one methylene group between the ring system A and any further chemical functionality.

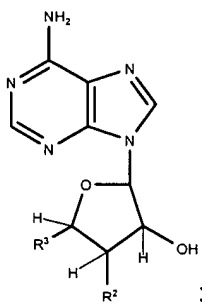
Applicants submit that none of the references disclose any compound in which a group corresponding to the Z group in formula (I) comprises at least one methylene group as set forth in amended claim 24, nor do any of the references disclose a prodrug of such a compound.

Fauland *et al.* disclose adenosine 5'-carboxylic acid derivatives having the following structure:



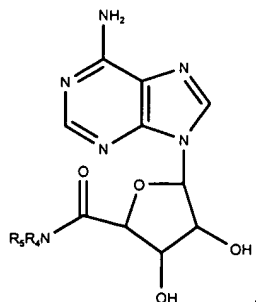
wherein Y is -OR or -NR₁R₂. The disclosed compounds do not comprise at least one methylene group between the tetrahydrofuran and the carbonyl, as required by amended claim 24.

Yamashita *et al.* disclose tetrahydrofuran-carboxylic acid derivatives having the following structure:



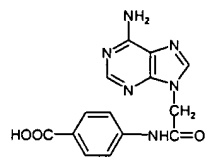
wherein R² is an amino or acylamino group and R³ is a carboxy group or protected carboxy group. Because these compounds do not comprise a methylene group between the tetrahydrofuran and the carboxy group of R³, Yamashita *et al.* does not anticipate the compounds of claim 24 under 35 U.S.C. §102(b).

Olsson *et al.* disclose several adenosine 5'-carboxylic acid derivatives having the following structure:



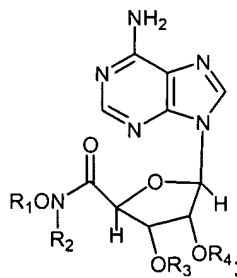
which does not anticipate the compounds of claim 24 under 35 U.S.C. §102(b) for the same reasons discussed above for Fauland *et al.* and Yamashita *et al.*

Baker discloses p-(9H-adenine-9-ylacetamido)benzoic acid having the following structure:



which likewise fails to disclose a compound which comprises at least one methylene group between the benzene ring and any carboxylic acid functionality as set forth in amended claim 24.

Finally, Prasad *et al.* disclose adenosine-5'-carbohydroxamic esters having the following structure:



wherein when R₁ is hydrogen, R₂ cannot be hydrogen. As discussed above for the other references, Prasad *et al.* also fail to disclose any compounds or prodrugs of compounds that comprise at least one methylene group between the tetrahydrofuran ring and the hydroxamic acid moiety as required by amended claim 24.

Appln. No. 09/989,348

Response to Notice of Non-Compliant Amendment dated September 21, 2004

Office Action Notice of Non-Compliant Amendment dated September 15, 2004

Applicants submit, therefore, that claim 24 is not anticipated by any of the cited references under 35 U.S.C. §102(b). Because the cited references do not anticipate independent claim 24, these references do not anticipate claims 25-27 and 29-31 which depend therefrom.

In addition, the Examiner alleges that claim 28 is anticipated by the above cited references. Applicants respectfully traverse this rejection. Claim 28 has been rewritten as an independent claim, and recites compounds of formula (I) wherein the group A is a cyclopentane ring system. As is shown above, none of the cited references disclose compounds comprising a cyclopentane-ring structure as set forth in claim 28. Because the cited references do not anticipate independent claim 28 under 35 U.S.C. §102(b), these references do not anticipate claim 33 which depends therefrom.

Accordingly, Applicants submit that the cited references fail to anticipate the present invention and respectfully request that this rejection under 35 U.S.C. §102(b) be withdrawn. Because claims 27, 32 and 42-46 are dependent upon allowable base claims, Applicants submit that the Examiner's objection to these claims should likewise be withdrawn.

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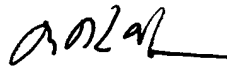
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5014.

Respectfully submitted,



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